JS 6

I HEREBY CERTIFY THAT THIS DOCUMENT WAS SERVED BY FIRST CLASS MAIL POSTAGE PREPAID, TO ALL COUNSEL (OR PARTIES) AT THEIR RESPECTIVE MOST RECENT ADDRESS OF RECORD IN THIS ACTION ON THIS DATE.

DATED: 8-23-07

DEPUTY CLERK

I hereby attest and certify on 10/6/07 that the foregoing document is a full, true and correct copy of the original on file in my office, and in my legal custody.

CLERK U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

DEPUTY CLERK

SEAL OF THE U.S. DISTRICT COURT CENTRAL DIST. OF CALIFORNIA

1079

FILED
AUG 23 2007
CLERK, U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION AT SANTA ANA
BY DEPUTY

FILED
OCT 15 2007
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

'07 CV 2005 DMS AJB

ARDY D. CHADWICK, Plaintiff, v. SAN DIEGO POLICE DEPARTMENT, Defendants.	Case No. SACV 07-974 (MLG) MEMORANDUM AND ORDER TRANSFERRING CIVIL RIGHTS ACTION TO THE SOUTHERN DISTRICT OF CALIFORNIA

On August 20, 2007, plaintiff, a prisoner incarcerated at the California Institute for Men in Chino, California, filed a Declaration in Support of Request to Proceed Without Prepayment of Filing Fees and lodged a civil rights complaint in this court. The only named defendant, the San Diego Police Department, is located within the Southern District of California and accordingly, this matter must be transferred to that district court for review of the request to proceed without prepayment of fees and for screening of the complaint.

The federal venue statute requires that a civil action not based on diversity be brought only in "(1) a judicial district where any defendant resides, if all defendants reside in the same state, (2)

DOCKETED ON CM
SEP 26 2007
BY 178

(2)

a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of the property that is the subject of the action is situated, or (3) a judicial district in which the defendants are subject to personal jurisdiction at the time the action is commenced, if there is no district in which the action may otherwise be brought." 28 U.S.C. § 1391(a).

As far as can be determined from the lodged complaint, the events giving rise to the cause of action occurred in San Diego and the alleged misconduct was committed by an officer of the San Diego Police Department. Thus, venue in this action lies solely in the Southern District of California.

Under 28 U.S.C. § 1404, a district court may transfer a civil action to any district where it might have been brought if such a transfer is for the convenience of the parties and witnesses and in the interests of justice. It is therefore ORDERED that this action be transferred to the United States District Court for the Southern District of California, San Diego, California, and the Clerk of this Court shall effect such transfer.

IT IS FURTHER ORDERED that the Clerk shall serve a copy of this Order upon plaintiff.

Dated: August 22, 2007

Marc L. Goldman
United States Magistrate Judge

SHERRI R. CARTER
District Court Executive and
Clerk of Court

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

WESTERN DIVISION
312 North Spring Street, Room G-8
Los Angeles, CA 90012
Tel: (213) 894-3535

SOUTHERN DIVISION
411 West Fourth Street, Suite 1053
Santa Ana, CA 92701-4516
(714) 338-4750

EASTERN DIVISION
3470 Twelfth Street, Room 134
Riverside, CA 92501
(951) 328-4450

October 5, 2007

CLERK'S OFFICE - USDC

Re: Transfer of our Civil Case No. SACV 07-974 (MLGx)

Case Title: ARDY D. CHADWICK V. SAN DIEGO POLICE DEPT

Dear Sir/Madam:

An order having been made transferring the above-numbered case to your district, we are transmitting herewith our entire original file in the action, together with certified copies of the order and the docket. Please acknowledge receipt of same and indicate below the case number you have assigned to this matter on the enclosed copy of this letter and return it to our office. Thank you for your cooperation.

Very truly yours,

Clerk, U.S. District Court

By RAMONA LA CHAPELLE
Deputy Clerk

cc: All counsel of record

==

TO BE COMPLETED BY RECEIVING DISTRICT

Receipt is acknowledged of the documents described herein and we have assigned this matter case number CV: ______________________.

Clerk, U.S. District Court

By [illegible]LIN
Deputy Clerk

194, CLOSED, TRANSFERRED

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
(Southern Division - Santa Ana)
CIVIL DOCKET FOR CASE #: 8:07-cv-00974-UA-MLG
Internal Use Only

Ardy Demetrius Chadwick v. San Diego Police Department
Assigned to: Judge Unassigned
Referred to: Magistrate Judge Marc L. Goldman
Cause: 42:1983 Civil Rights Act

Date Filed: 08/20/2007
Date Terminated: 08/23/2007
Jury Demand: None
Nature of Suit: 550 Prisoner: Civil Rights
Jurisdiction: Federal Question

Plaintiff

Ardy Demetrius Chadwick represented by **Ardy Demetrius Chadwick**
CDC T-13047
California Institution for Men
PRO SE

I hereby attest and certify on 10/5/07 that the foregoing document is a full, true and correct copy of the original on file in my office, and in my legal custody.

CLERK U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
DEPUTY CLERK

SEAL OF THE U.S. DISTRICT COURT CENTRAL DIST. OF CALIFORNIA
1079

V.

Defendant

San Diego Police Department

Date Filed	#	Docket Text
08/20/2007	1	REQUEST to Proceed without Prepayment of Filing Fees, Declaration in Support filed by plaintiff Ardy Demetrius Chadwick. Lodged order. (dmjr) (Entered: 08/29/2007)
08/23/2007	2	MEMORANDUM AND ORDER by Judge Marc L. Goldman, TRANSFERRING CIVIL RIGHTS Action to the Southern District of California. (See document for details.)(Made JS-6. Case Terminated.) (rla) (Entered: 09/26/2007)
08/29/2007		LODGED COMPLAINT forwarded to Magistrate Judge Goldman. Complaint sought to be filed by Plaintiff Ardy Demetrius Chadwick. (dmjr) (Entered: 08/29/2007)
09/25/2007	3	NOTICE OF DISCREPANCY AND ORDER: by Judge Marc L. Goldman, ORDERING Petitioner's Letter to Magistrate Goldman w/attachments including letter from Appellate Defenders, Inc., and letter directed to Mr. Chadwick and Lawyer submitted by Plaintiff Ardy Demetrius Chadwick received on 9/20/07 is not to be filed but instead rejected. Denial based on: LR 11-3.1 Document not legible; LR 11-4.1 No copy provided for judge; Other: Case was transferred to Southern District of California as of 8/23/07.(rla) (Entered: 10/03/2007)
10/05/2007		TRANSMITTAL letter - Civil Case Transfer Out (rla) (Entered:

		10/05/2007)
10/05/2007		(Court only) ***Set tranferred out flag. (rla) (Entered: 10/05/2007)

FULL NAME

COMMITTED NAME (if different)

FULL ADDRESS INCLUDING NAME OF INSTITUTION

PRISON NUMBER (if applicable)

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

ARDY D. Chadwick

PLAINTIFF

v.

550

San Diego police DeparTmenT.

DEFENDANT(S).

CASE No. CV SACV07-974 (MLG)
(To be supplied by the Clerk)

CIVIL RIGHTS COMPLAINT
PURSUANT TO (check one)

☐ 42 U.S.C. § 1983
or
☐ Bivens v. Six Unknown Agents 403 U.S. 388 (1971);

A. PREVIOUS LAWSUITS

LODGED
CLERK, U.S. DISTRICT COURT
AUG 20 2007
CENTRAL DISTRICT OF CALIFORNIA
BY DEPUTY

1) Have you brought any other lawsuits in a federal court while a prisoner: ☐ Yes ■ No

2) If your answer to 1 is yes, how many? ______ Describe the lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on an attached piece of paper using the same outline.) No BuT I've Been fighting This cenTs os I was Beat up realy Bad and you Do have sTaTemenTs and DoCtor — ReporT, now. The cop who did BeaT me up I really do have a promblem — with my head. BusTed my Ear Drum righT Ear canT here nothing out of iT and left ear. is just as Bad. I have herring aids. Back Brace. Broking Tooth.

RECEIVED
CLERK, U.S. DISTRICT COURT
AUG 17 2007
CENTRAL DISTRICT OF CALIFORNIA
BY DEPUTY

a. Parties to this pre[illegible] lawsuit:

Plaintiff ARDY Demetrius Chadwick.

Defendants San Diego police Department.

b. Court

c. Docket or case number

d. Name of judge to whom case was assigned

e. Disposition (For example: Was the case dismissed? If so, what was the basis for dismissal? Was it appealed? Is it still pending?)

f. Issues raised: The undercover cop officer Hall lie saying I got him Dope when I didnt and another cop come and Beat me up I DID nothing wrong. I got Head injeruy That got Bad cant here right Ear.

g. Approximate date of filing lawsuit 8/10/07.

h. Approximate date of disposition june of 05/ when I got Beat up.

B. EXHAUSTION OF ADMINISTRATIVE REMEDIES

1) Is there a grievance procedure available at the institution where the events relating to your current complaint occurred? ☐ Yes ☒ No

2) Have you filed a grievance concerning the facts relating to your current complaint?

☐ Yes ☒ No

If your answer is no, explain why not The police officer would not let me see a Doctor write out a police report. Nothing. I Needed help like I do now I got my hering aid's my head injeruy gotton worse. But No I did not just Because He wouldnT let me.

3) Is the grievance procedure completed? ☐ Yes ☒ No

3) Defendant ____ resides or works at
(full name of third defendant)

____, and is employed as
(full address of third defendant)

____.
(defendant's position and title, if any)

The defendant is sued in his/her: ☐ individual ☐ official capacity. (Check one or both.)
Explain how this defendant was acting under color of law:

____

____

4) Defendant ____ resides or works at
(full name of fourth defendant)

____, and is employed as
(full address of fourth defendant)

____.
(defendant's position and title, if any)

The defendant is sued in his/her: ☐ individual ☐ official capacity. (Check one or both.)
Explain how this defendant was acting under color of law:

____

____

5) Defendant ____ resides or works at
(full name of fifth defendant)

____, and is employed as
(full address of fifth defendant)

____.
(defendant's position and title, if any)

The defendant is sued in his/her: ☐ individual ☐ official capacity. (Check one or both.)
Explain how this defendant was acting under color of law:

____

____

F. REQUEST FOR RELIEF

I believe that I am entitled to the following specific relief:

I am asking 3.15 million Pluse false inprisonament from The state.
I Need Medical. TreaTment now and when I geT ouT. I goT To where
hereing aid's now on Both Ear's Back Brace and my head Injury's has
gotton worsT. and I FeeT Those Bill's has To be paid
I am also asking To be free, Because one my lowyer lie To me.
He should be getting sued. To BuT I'm going To leT god. Deal with
him for whaT he has done To me. 900.00 has To be paid for my
hereing aid's I have now. >> I keep filling and filling This is wrong
I will have Paper work from my witness Doctor report abouT
my head and ear's and Back.

8/16/07
(Date)

Chadwick, ARDY Demetrius #
(Signature of Plaintiff)

E ClAims

claim 1.

I got Blood on my hand's But I am STill on The hood.
and Then He sock me on The left side of my jaw.
Broke my Tooth. Then He Sild me off The Hood of The
car To The ground, on my Belly and I had The Broken Tooth
Down my Throt chocking. But I got it Down.
He puT The cluff on way To Tight and pull my arm's way
up my Back To where I Feel my showder Blade's pop.
Then pick me up from The ground. Throw me into The car.
My friend's mark and amy and other people came Down To
The corner, He Told Them if you dont want To go To jail
stay away from The corner. I ask him I Need To see a
Doctor He Said Nothing. we stop Behine Farm's market. ThaTs
where he clean me up. Before we goT To The substation. he —
chance my shirt puT on a clean one. wipe The Blood, so I doi
look Bad. I saw officer Hall, he ask me Do you remember me
I Told him To go To hell he said what. I said go To hell. The
cop grab puT me Back into The, Then we wenT To The police
station, He goT ouT. I say he was gone about 15 min, He didnT
come ouT with No File Nothing. I Told him you can have Blood
wh. I do D-Telling. I was lighT headed Dizzy. so as we where
going To Told him again I Need To see a Doctor. he stop and
Told me if I donT shut up it will be worsT so I donT say
nothing. I go To county jail I do noT Know what I am been
charge with, So I geT To County. I ask To see a Doctor. I do
see a Doctor. so I ask The office Ho aT 14 Tank why am I her
he check for me, The cop lie and said I had a Control Sustn
in my righT Pant's pocket. how could ThaT be. When The panT
... did noT have no Pocket's on my pant's I had on

JS44
(Rev. 07/89)

CIVIL COVER SHEET

FILED
OCT 1 5 2007
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE SECOND PAGE OF THIS FORM.)

I (a) PLAINTIFFS

Ardy Demetrius Chadwick

DEFENDANTS

San Diego Police Department

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF San Bernardino
(EXCEPT IN U.S. PLAINTIFF CASES)

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Ardy Demetrius Chadwick
PO Box 128
Chino, CA 91710
T-13047

ATTORNEYS (IF KNOWN)

'07CV 2005 DMS AJB

II. BASIS OF JURISDICTION (PLACE AN x IN ONE BOX ONLY)

☐ 1 U.S. Government Plaintiff
☒ 3 Federal Question (U.S. Government Not a Party)
☐ 2 U.S. Government Defendant
☐ 4 Diversity (Indicate Citizenship of Parties in Item III

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN X IN ONE BOX (For Diversity Cases Only) FOR PLAINTIFF AND ONE BOX FOR DEFENDANT

	PT	DEF		PT	DEF
Citizen of This State	☐ 1	☐ 1	Incorporated or Principal Place of Business in This State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated and Principal Place of Business in Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. CAUSE OF ACTION (CITE THE US CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY).

42 U.S.C. 1983

V. NATURE OF SUIT (PLACE AN X IN ONE BOX ONLY)

CONTRACT
☐ 110 Insurance
☐ Marine
☐ Miller Act
☐ Negotiable Instrument
☐ 150 Recovery of Overpayment &Enforcement of Judgment
☐ 151 Medicare Act
☐ 152 Recovery of Defaulted Student Loans (Excl. Veterans)
☐ 153Recovery of Overpayment of Veterans Benefits
☐ 160 Stockholders Suits
☐ Other Contract
☐ 195 Contract Product Liability

REAL PROPERTY
☐ 210 Land Condemnation
☐ 220 Foreclosure
☐ 230 Rent Lease & Ejectment
☐ 240 Tort to Land
☐ 245 Tort Product Liability
☐ 290 All Other Real Property

TORTS

PERSONAL INJURY
☐ 310 Airplane
☐ 315 Airplane Product Liability
☐ 320 Assault, Libel & Slander
☐ 330 Federal Employers' Liability
☐ 340 Marine
☐ 345 Marine Product Liability
☐ 350 Motor Vehicle
☐ 355 Motor Vehicle Product Liability
☐ 360 Other Personal Injury

PERSONAL INJURY
☐ 362 Personal Injury- Medical Malpractice
☐ 365 Personal Injury - Product Liability
☐ 368 Asbestos Personal Injury Product Liability

PERSONAL PROPERTY
☐ 370 Other Fraud
☐ 371 Truth in Lending
☐ 380 Other Personal Property Damage
☐ 385 Property Damage Product Liability

CIVIL RIGHTS
☐ 441 Voting
☐ 442 Employment
☐ 443 Housing/Accommodations
☐ 444 Welfare
☐ 440 Other Civil Rights

PRISONER PETITIONS
☐ 510 Motions to Vacate Sentence Habeas Corpus
☐ 530 General
☐ 535 Death Penalty
☐ 540 Mandamus & Other
☒ 550 Civil Rights

FORFEITURE/PENALTY
☐ 610 Agriculture
☐ 620 Other Food & Drug
☐ 625 Drug Related Seizure of Property 21 USC881
☐ 630 Liquor Laws
☐ 640 RR & Truck
☐ 650 Airline Regs
☐ 660 Occupational Safety/Health
☐ 690 Other

LABOR
☐ 710Fair Labor Standards Act
720 Labor/Mgmt. Relations
☐ 730 Labor/Mgmt. Reporting & Disclosure Act
☐ 740 Railway Labor Act
☐ 790 Other Labor Litigation
☐ 791 Empl. Ret. Inc.
☐ Security Act

BANKRUPTCY
☐ 422 Appeal 28 USC 158
☐ 423 Withdrawal 28 USC 157

PROPERTY RIGHTS
☐ 820 Copyrights
☐ 830 Patent
☐ 840 Trademark

SOCIAL SECURITY
☐ 861 HIA (13958)
☐ 862 Black Lung (923)
☐ 863 DIWC/DIWW (405(g))
☐ 864 SSID Title XVI
☐ 865 RSI (405(g))

FEDERAL TAX SUITS
☐ 870 Taxes (U.S. Plaintiff or Defendant)
☐ 871 IRS - Third Party 26 USC 7609

OTHER STATUTES
☐ 400 State Reappointment
☐ 410 Antitrust
☐ 430 Banks and Banking
☐ 450 Commerce/ICC Rates/etc.
☐ 460 Deportation
☐ 470 Racketeer Influenced and Corrupt Organizations
☐ 810 Selective Service
☐ 850 Securities/Commodities Exchange
☐ 875 Customer Challenge 12 USC
☐ 891 Agricultural Acts
☐ 892 Economic Stabilization Act
☐ 893 Environmental Matters
☐ 894 Energy Allocation Act
☐ 895 Freedom of Information Act
☐ 900 Appeal of Fee Determination Under Equal Access to Justice
☐ 950 Constitutionality of State
☐ 890 Other Statutory Actions

VI. ORIGIN (PLACE AN X IN ONE BOX ONLY)

Original Proceeding ☐ 2 Removal from State Court ☐ 3 Remanded from Appelate Court ☐ 4 Reinstated or Reopened ☒ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VII. REQUESTED IN COMPLAINT: ☐ CHECK IF THIS IS A CLASS ACTION UNDER f.r.c.p. 23 **DEMAND $** Check YES only if demanded in complaint: **JURY DEMAND:** ☐ YES ☐ NO

VIII. RELATED CASE(S) IF ANY (See Instructions): JUDGE Docket Number

DATE 10/15/2007 ~~SIGNATURE OF ATTORNEY OF RECORD~~

R.Mueller